

**ELIMINATION OF CERTAIN FORMULA FUNDING AND  
DROPPED COURSE RESTRICTIONS FOR RETURNING  
ADULT STUDENTS AT PUBLIC INSTITUTIONS OF HIGHER  
EDUCATION AND TO THE TUITION RATE THAT MAY BE  
CHARGED TO THOSE STUDENTS FOR CERTAIN EXCESSIVE  
UNDERGRADUATE HOURS**

**CHAPTER 941**

S.B. No. 1782

**AN ACT**

relating to the elimination of certain formula funding and dropped course restrictions for returning adult students at public institutions of higher education and to the tuition rate that may be charged to those students for certain excessive undergraduate hours.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 51.907, Education Code, is amended by adding Subsection (e-1) to read as follows:

*(e-1) The Texas Higher Education Coordinating Board shall adopt rules under which an institution of higher education shall permit a student to drop one additional course under circumstances described by Subsection (b) than the number of courses permitted to be dropped under Subsection (c) or under a policy adopted under Subsection (d) if the student:*

*(1) has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and*

*(2) successfully completed at least 50 semester credit hours of course work at an institution of higher education before that break in enrollment.*

SECTION 2. Section 61.059, Education Code, is amended by adding Subsection (r) to read as follows:

*(r) Notwithstanding any other law, the board may not exclude from the number of semester credit hours reported to the Legislative Budget Board for formula funding under this section semester credit hours for any course taken up to three times by a student who:*

*(1) has reenrolled at an institution of higher education following a break in enrollment from the institution or another institution of higher education covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and*

*(2) successfully completed at least 50 semester credit hours of course work at an institution of higher education before that break in enrollment.*

SECTION 3. Section 61.0595, Education Code, is amended by amending Subsection (d) to read as follows:

(d) The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a):

(1) semester credit hours earned by the student before receiving a baccalaureate degree that has previously been awarded to the student;

(2) semester credit hours earned by the student by examination or under any other procedure by which credit is earned without registering for a course for which tuition is charged;

(3) credit for a remedial education course, a technical course, a workforce education course funded according to contact hours, or another course that does not count toward a degree program at the institution;

(4) semester credit hours earned by the student at a private institution or an out-of-state institution; ~~and~~

(5) semester credit hours earned by the student before graduating from high school and used to satisfy high school graduation requirements; *and*

(6) *the first additional 15 semester credit hours earned toward a degree program by a student who:*

(A) *has reenrolled at an institution of higher education following a break in enrollment from the institution or another institution of higher education covering the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and*

(B) *successfully completed at least 50 semester credit hours of course work at an institution of higher education before that break in enrollment.*

SECTION 4. (a) The Texas Higher Education Coordinating Board shall adopt the rules required by Section 51.907(e-1), Education Code, as added by this Act, not later than June 1, 2018.

(b) The change in law made by this Act to Section 51.907, Education Code, applies beginning with the 2018 fall semester.

SECTION 5. The changes in law made by this Act to Sections 61.059 and 61.0595, Education Code, apply beginning with funding recommendations made under Section 61.059, Education Code, for the state fiscal biennium beginning September 1, 2019.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed the Senate on May 4, 2017: Yeas 28, Nays 3; the Senate concurred in House amendments on May 28, 2017: Yeas 28, Nays 3; passed the House, with amendments, on May 16, 2017: Yeas 132, Nays 13, one present not voting.

Approved June 15, 2017.

Effective June 15, 2017.

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## OPEN-SOURCE INSTRUCTIONAL MATERIAL FOR PUBLIC SCHOOLS

### CHAPTER 942

S.B. No. 1784

#### AN ACT

**relating to open-source instructional material for public schools.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 31.002(1-a), Education Code, is amended to read as follows:

(1-a) "Open-source instructional material" means *teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge.* ~~[electronic instructional material that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the instructional material.]~~ The term includes state-developed open-source instructional material purchased under Subchapter B-1.

SECTION 2. Section 31.071(c), Education Code, is amended to read as follows:

(c) *Except as provided by Section 31.0711, a state-developed* ~~[State-developed]~~ open-